

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARGARITA HERNANDEZ RIVERA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:21-cv-00761-SAB

**ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE IMPOSED FOR
FAILURE TO FILE OPENING BRIEF**

DEADLINE: JULY 27, 2022

On May 12, 2021, Plaintiff Margarita Hernandez Rivera filed this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On March 4, 2022, the administrative transcript was lodged. (ECF No. 12.) On March 7, 2022, the Court issued an order advising the parties of the lifting of the stay of action and provided an amended scheduling order. (ECF No. 13.) Thereafter, the Court granted two joint stipulations submitted by the parties to extend the time for Plaintiff to file the opening brief. (ECF Nos. 15, 18.) Based on these extensions, Plaintiff’s opening brief was due July 20, 2022. (ECF No. 18.) However, an independent review of the docket reveals that, as of July 20, 2022, no opening brief or other filings have been submitted.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” The Court has the inherent power to

1 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
2 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
3 2000).

4 Plaintiff's failure to file an opening brief by July 20, 2022, even after being granted two
5 extensions of time to do so, constitutes a failure to comply with the Court's order.
6 Accordingly, Plaintiff will be directed to show cause why sanctions should not issue for failure
7 to file an opening brief in compliance with the Court's May 31, 2022 order (ECF No. 18).

8 Based on the foregoing, IT IS HEREBY ORDERED that **no later than July 27, 2022**,
9 Plaintiff shall show cause in writing why sanctions should not issue for the failure to comply
10 with the Court's orders and timely submit an opening brief in this matter. Failure to comply
11 with this order will result in the imposition of sanctions including but not limited to dismissal
12 of this action.

13
14 IT IS SO ORDERED.

15 Dated: **July 21, 2022**


UNITED STATES MAGISTRATE JUDGE